

TOWN OF TABER
BYLAW NO. 19-2022

BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF LICENSING AND REGULATING THE BUSINESS AND INDUSTRY WITHIN THE TOWN OF TABER.

WHEREAS section 7 of the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits a Council to pass Bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND WHEREAS Section 8 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, and amendments thereto, permit a Council to provide for a system of licenses, permits or approvals;

NOW THEREFORE the Council of the Town of Taber in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Business License Bylaw".

2.0 DEFINITIONS

In this Bylaw:

Act	means the <i>Municipal Government Act</i> , RSA 2000, Chapter M-26, as amended, from time to time.
Adult Person	means any living person over the age of eighteen (18) years of age.
Applicant	means a person who applies for a License or renewal of a License required by this Bylaw and shall also mean a person who is appealing the refusal, revocation, or suspension of a License.
Business	means: a commercial, merchandising or industrial activity or undertaking; a profession, trade, occupation, calling or employment; or, an activity providing goods and/or services.

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Busking	means the act of performing in public places for gratuities.
Bylaw	means the Town of Taber Business License Bylaw, as may be amended from time to time.
Bylaw Enforcement Officer	means any individual employed by the Town as a Police Officer or Bylaw Enforcement Officer empowered to enforce this Bylaw.
Cannabis	<p>means a cannabis plant, and anything referred to in subsection a., but does not include anything in subsection b.;</p> <p>a. Cannabis includes:</p> <ul style="list-style-type: none">any part of a cannabis plant, including the photocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection b.;any substance of mixture of substances that contains or has on it any part of such plant;any substance that is identical to any phytocannabinoid produced by or found in, such a plant, regardless of how the substance was obtained. <p>b. Notwithstanding subsection a., cannabis does not include:</p> <ul style="list-style-type: none">a non-viable seed of a cannabis plant;a mature stalk, without any leaf, flower, seed or branch, of such plant;fibre derived from a stalk referred in subsection b. and;the root or any part of the root of such a plant.

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Cannabis Production and Distribution	<p>means development used principally for one or more of the following activities as it relates to cannabis:</p> <p>the production, cultivation, and growth of cannabis;</p> <p>the processing of raw materials;</p> <p>the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods or products;</p> <p>the storage or transshipping of materials, goods, and products; or,</p> <p>the distribution and sale of materials, goods, and products to Cannabis Retail Sales stores or to individual customers.</p>
Cannabis Retail Sales	<p>means development used for the retail of cannabis that is authorized by provincial or federal legislation. Retail sales also includes a development where cannabis is: promoted, advocated, and/or where paraphernalia used in the consumption of cannabis is sold or provided. This use does not include cannabis production or distribution.</p>
Chief Administrative Officer	<p>means the Chief Administrative Officer of the Town of Taber, regardless of the specific title that may be conferred on the Officer by Council from time to time;</p>
Carnival or Circus	<p>means a traveling company of performers that may include acrobats, clowns, trained animals, hula hoppers and other novelty acts and describes the performance that these performers give. A circus may include circus rides, menageries, hippodrome, waxworks, exhibitions, freak shows, sideshows, midways, and other duly authorized persons working in association with a circus operation.</p>

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Charitable Organization	means any religious, charitable, scientific, literary, or educational organization which is a registered Canadian charitable organization pursuant to the <i>Income Tax Act</i> of Canada.
Chief of Police	means the Chief of Police of the Taber Police Service, and includes any person designated by the Chief of Police to perform his duties or exercise his powers pursuant to this Bylaw.
Council	means the Municipal Council of the Town of Taber, in the province of Alberta.
Electronic Means	means a computer with the capability to electronically transmit the information recorded pursuant to this Bylaw via the internet.
Estate Sale	means a sale of goods belonging to the estate of a deceased person conducted by a person legally authorized to dispose of the goods.
Fireworks	means those items permitted under the Alberta Fire Code for sale and disposal in the Province of Alberta.
Fireworks Merchant	means any person or corporation who sells or offers for sale to the public any items defined as fireworks.
Food Truck	means a cart, trailer, or vehicle-mounted food service establishment, which is designed to set up on a temporary basis and be readily moveable, from which prepared food and/or beverages are offered for sale to the public. This shall not include catering services delivering food, huckster, hawker, pedlar, or temporary fruit/vegetable stands.
Garage Sale	means displaying and offering for sale of five (5) or more items of goods, wares or merchandise (other than boats, motor vehicles or recreational vehicles of any kind) on private property.

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General Contractor

a person or business entity that is contracted to be in charge of a building project, usually involving the use of subcontractors.

Hawker or Pedlar

means any person who, whether as principal or agent:

goes from house to house selling or offering for sale any merchandise or service, or both, to any person; and who is not a wholesaler or retailer in such merchandise or service, and not having a permanent place of business in the municipality; or,

offers or exposes for sale to any person by means of proof samples, paper cuts or blueprints, merchandise, or service or both to be afterwards delivered and/or shipped into the Municipality; or,

sells merchandise or services, or both, on the street or roads or elsewhere than at the building that is his permanent place of business (but does not include any person selling meat, fruit or other farm produce that has been produced, raised or grown by himself, or fish of his own catching).

Home Occupation

means a business operated from a residential dwelling that is incidental and subordinate to the principal residential use of the dwelling unit in which it is located:

that due to its scale and intensity, no impacts of the business are observed or felt outside of the dwelling unit:

that does not cause electronic interference, dust, noise, odour, smoke, or anything offensive or objectionable nature, which is detectable to normal sensory perception, outside of the building containing the use and;
this use does not include Cannabis Retail Sales or Cannabis Production or Distribution.

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Huckster	means any person who sells or offers for sale: meats, fruits, vegetables, or other farm produce that has been produced or grown by himself; or, fish of his own catching.
License Inspector	means the municipal official(s) appointed by the Town's Chief Administrative Officer to administer and enforce the requirements of this Bylaw.
License	means a License issued by the License Inspector pursuant to this Bylaw.
Licensee	means a person or corporation holding a valid License issued pursuant to this Bylaw.
License Year	means a calendar year period commencing on January 1 st and ending on December 31 st .
Municipal Tag	means a ticket alleging an offense issued pursuant to the authority of a Bylaw of the Town.
Non-Resident Business	means a business that is not permanently located in the Town of Taber, as determined by the License Inspector, during that License year.
Pawnbroker	means any person who lawfully carries on the business of receiving or taking by way of pawn or pledge, any personal property or goods for the repayment of money loaned thereon.
Person	means a corporation, firm, partnership and an adult person, their heirs, executors and administrators or other legal representatives of a person.
Photographer	means a person who carries on the business of taking photographs or videotapes or developing or finishing photographic films of any kind, and includes a person who sells goods,

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wares or merchandise incidental to the business of the photographer.

Premises

means the store, office, warehouse, factory, building enclosure, yard or other place occupied or capable of being occupied for any purpose.

Resident Business

means a business that is permanently located in the Town of Taber, as determined by the License Inspector, during that License year.

Record Book

means a record in a form prescribed by the License Inspector.

Second Hand Dealer

means any person who carries on a business which includes purchasing, selling, exchanging, advertising for sale, or in any way dealing in goods of any kind or nature, which have been used, re-conditioned, or remade, including antiques, or purchased by a person to be used, all commonly known as second-hand goods, but does not include:

a person who deals exclusively in second-hand books or cards;

an auctioneer when disposing of goods by public auction; or,

used motor vehicle dealers.

Security Firm

means a for-profit enterprise that provides security services and expertise to private and public clients. A security firm is primarily engaged in providing watchman, guard, and patrol services, such as parking security and security guard services. Examples of services provided by these companies include the prevention of unauthorized activity or entry, access control, and fire and theft protection and detection. These services can be broadly described as the protection of personnel and/or assets. It does not include the Chief of Police as herein defined.

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Special Event	means events sponsored by the Taber and District Chamber of Commerce, or the Town of Taber, including Corn Fest, Trade Fairs, Victoria Day celebrations, Winter Fest, and Canada Day celebrations. Other special occasions may be included in this category at the discretion of the CAO including those not sponsored by the Taber and District Chamber of Commerce.
Sub-Contractor	means any person who undertakes to sub-contract from a general contractor or owner and pays for their own benefits.
Taxi	means any motor vehicle which is employed in the conveyance of passengers excepting ambulances, hearses, self-driving vehicles, and motor vehicles having a legal seating capacity for seven (7) or more adult persons including the driver and which are rented solely by the hour or chartered solely by the trip.
Tobacco Dealer	means every person who, as a retailer, keeps for sale, sells, exposes, or offers for sale cigars, cigarettes, or cigarette tobacco, smoking or chewing tobacco, snuff or any tobacco products, including an operator of a vending machine.
Town	means the Town of Taber.
Violation Ticket	mean a violation ticket as defined in the <i>Provincial Offences Procedures Act</i> , R.S.A. 2000 C-34 and amendments thereto.

3.0 APPOINTMENT AUTHORITY AND DUTIES

- 3.1 The Chief Administrative Officer may appoint License Inspector(s) and/or Bylaw Enforcement Officer(s) to carry out the provisions of this Bylaw.
- 3.2 The responsibilities of the License Inspector are:
 - 3.2.1 To receive and process all applications for a business License.
 - 3.2.2 To consider and approve or refuse an application for a License.

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- 3.2.3 To record such necessary information and details with respect to Licenses as may be required by the Chief Administrative Officer or as contained on the application form.
- 3.2.4 To periodically visit and inspect all premises Licensed by the Town of Taber for the purpose of ascertaining whether the persons governing such License or premises comply with the provisions of this or any other applicable bylaw.
- 3.2.5 To refuse to grant, revoke, or suspend any License required under this Bylaw if in the opinion of the License Inspector there are just and reasonable grounds for the refusal of the application or the revocation or suspension of such License, subject to the right of the applicant to appeal the refusal, revocation, or suspension, to Council.
- 3.2.6 To issue a License, with or without conditions, upon compliance with the terms of this Bylaw and all other applicable bylaws, Provincial Statutes and Federal Acts, and payment of appropriate fee.
- 3.2.7 To endorse on the License issued the particulars of any conditions that the License Inspector determines are necessary.
- 3.3 The responsibilities of the Bylaw Enforcement Officer are:
 - 3.3.1 To periodically visit and inspect all premises Licensed by the Town of Taber for the purpose of ascertaining whether the persons governing such License or premises comply with the provisions of this or any other applicable bylaw.
 - 3.3.2 To refuse to grant, revoke, or suspend any License required under this Bylaw if in the opinion of the Bylaw Enforcement Officer there are just and reasonable grounds for the refusal of the application or the revocation or suspension of such License, subject to the right of the applicant to appeal the refusal, revocation, or suspension, to Council.
 - 3.3.3 To diligently prosecute violators and infractions of this Bylaw.
- 3.4 The License Inspector, Bylaw Enforcement Officer, or other duly authorized persons may enter all buildings and premises at all reasonable times for the purpose of administering or enforcing this Bylaw.

4.0 REQUIREMENTS FOR BUSINESS LICENSE

- 4.1 No person shall carry on or operate a business which is either wholly within or partly within and partly outside the Town unless a valid and subsisting License is held pursuant to this Bylaw.

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- 4.2 No person shall engage in or operate a business at more than one location in the Town of Taber unless the person holds a separate business License that authorizes the person to engage in that business for each location.
- 4.3 Any charitable or non-profit organization shall be exempted from the requirements to obtain a business License provided that:
 - 4.3.1 a written request is given to the Licensing Inspector providing a description of the business, the time and place of the business, and the charitable or non-profit organization responsible;
 - 4.3.2 that such written request is provided not less than three (3) days prior to the start of the business;
 - 4.3.3 that the proposed business complies with all bylaws of the Town of Taber, and any other statutes or regulations;
 - 4.3.4 that written approval has been provided by the License Inspector; and,
 - 4.3.5 that the business is not a carnival or circus.
- 4.4 Others exempt from the requirement to obtain a business License include the following:
 - 4.4.1 public educational and institutional uses;
 - 4.4.2 a business that is to be in operation for less than four months and which is owned and operated by full-time students. Proof of full-time attendance at a secondary or post-secondary institution may be required;
 - 4.4.3 a garage sale in alignment with Subsection 7.5;
 - 4.4.4 a newspaper and flyer delivery person who delivers the product to homes and businesses;
 - 4.4.5 anything classified by the License Inspector as a Special Event; and,
- 4.5 Exempt businesses still seeking to obtain a business License may be issued a License at the discretion of the License Inspector.

5.0 APPLICATION & ISSUANCE OF LICENSES

- 5.1 Every application for a License shall be made by an adult person.
- 5.2 Every applicant for a License shall conform to the provisions of this Bylaw and any other bylaw, Provincial Statute or Federal Act, applicable to that business.
- 5.3 Every License is separate and distinct and is tied to a specific location with specific conditions. Licenses cannot be assigned, delegated, sold, inherited,

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or otherwise transferred between persons or transferred to another License or delegated the privilege of its own License.

- 5.4 Before processing of a License, the following shall be submitted:
 - 5.4.1 Necessary Development Permit and Building Permit approvals as required by the Planning and Community Services Department;
 - 5.4.2 Completed application form;
 - 5.4.3 License fee in accordance with the current Fee Bylaw;
 - 5.4.4 The License Inspector may require any company or individual applying for or renewing a business License, to submit an employee list with valid police information checks to be obtained from where the employee resides and are current, within three months of the application or renewal date, for each employee engaged in or likely to be engaged in door-to-door sales or installation of goods or provisions of services within a residence inside Town limits. Failure to comply under the License Inspector's request to furnish such information is grounds for refusal of the License or License renewal. The License Inspector may consult with the Taber Police Service prior to issuance or renewal of a business License for these firms. Each individual on contract would have to provide picture identification, a police information check and a business License application.
 - 5.4.5 Proof, satisfactory to the License Inspector, of compliance at the proposed place of business with the applicable land use, health, and safety regulations that may apply to the proposed place of business;
 - 5.4.6 Any additional information required by this Bylaw or by the License Inspector.
- 5.5 If, in the opinion of the License Inspector, an applicant for a License has complied with the terms of this Bylaw and all other applicable bylaws, Provincial Statutes and Federal Acts, the applicant shall be issued the License applied for upon payment of the applicable fee.
- 5.6 An application for a License for any business which is not carried on by a corporation shall be made by a person who will be actively engaged in the management and control of the business. If, in the course of any year, additional persons are added to those sharing the control of the Licensed operation, then their names shall be forthwith given to the License Inspector. Failure to disclose to the Town any of the information required herein shall be grounds for immediate revocation of the License and the forfeiture of any fee paid for the license.
- 5.7 Every License issued under this Bylaw shall be posted in a conspicuous place in the business premises of the Licensee.

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- 5.8 The onus of proving that a person has a valid and subsisting License for a business is on the person alleging to have obtained the License.
- 5.9 The onus of proving that a person is exempt from the provisions of this Bylaw requiring a license by virtue of Provincial or Federal legislation is on the person alleging the exemption.
- 5.10 Every annual License issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December in the year in which said License was issued or such earlier date if the License has been revoked or suspended.
- 5.11 The License Inspector may refer any application for a License or renewal of a License to such persons or departments as deemed advisable in the circumstances and shall deal with the application when such comments have been received.
- 5.12 All Licenses issued are subject to the applicable land use regulations in force in the Town and the issuance of a License shall not be deemed as approval to carry on a business in or on any premises in contravention of such regulations. In any case where a License is granted to a person to carry on a business in or on premises where such activity is not permitted by the land use regulations of the Town, the License Inspector and/or Bylaw Enforcement Officer shall forthwith cancel the License and refund the License fee to the applicant.
- 5.13 All businesses required to hold a License pursuant to Section 4 of this Bylaw shall pay an annual License fee per business site in accordance with schedules approved by Town Council.
- 5.14 Should a Resident or Home Occupation business License be issued after June 30th, in any year, the License fee shall be one-half of the annual License fee determined by the current Fee Bylaw.
- 5.15 Where a License is revoked or surrendered, the Licensee is not entitled to any refund.

6.0 REVOCATIONS, SUSPENSIONS AND APPEALS

- 6.1 Where the License Inspector is notified by verifiable means that the Applicant for a License has been convicted in the previous calendar year of an offense against the provisions of this Bylaw or if he has information unfavourable to the issue of such License or License renewal, a License may be refused.
- 6.2 Where an application for a License is refused, revoked or suspended, the License Inspector shall notify the applicant in writing of such refusal, revocation or suspension and the reasons for same.
- 6.3 In the cases where:

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- 6.3.1 an application for a License has been refused;
- 6.3.2 a license has been issued, subject to conditions;
- 6.3.3 a License has been revoked; or
- 6.3.4 a License has been suspended;

then the applicant may appeal to Town Council.

- 6.4 Notwithstanding subsection 4, a person shall not have grounds to appeal a refusal to issue or renewal a License if the reason for refusal is failure to pay any fee or provide any required information.
- 6.5 An appeal pursuant to subsection 4 shall be made in writing addressed to the Chief Administrative Officer and shall be made within thirty (30) days after the date of the refusal, revocation, suspension, or date upon which the License was issued subject to conditions.
- 6.6 Town Council after hearing an appeal pursuant to subsection 4 may:
 - 6.6.1 Direct a License to be issued without conditions;
 - 6.6.2 Direct a License to be issued with conditions;
 - 6.6.3 Uphold the decision of the License Inspector on grounds which appear just and reasonable to Council and advise the appellant in writing of those grounds.

7.0 REGULATIONS RESPECTING CERTAIN SPECIFIC BUSINESSES

- 7.1 In addition to the general provisions of this Bylaw, including the requirement of a business License, the businesses dealt with in this part are also subject to the following regulations.
- 7.2 Cannabis Related Uses:
 - 7.2.1 For the purposes of this section Cannabis Related Uses shall include Cannabis Retail Sales, and Cannabis Production and Distribution.
 - 7.2.2 Cannabis Related Uses shall use the business License application form specific for Cannabis Businesses. Prior to accepting of the business License application for Cannabis Related Uses, the following shall be provided:
 - 7.2.2.1 Proof that the relevant Federal and/or Provincial approvals/licenses have been obtained to operate either as Cannabis Retail Sales or a Cannabis Production and Distribution facility.

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7.2.2.2A conditional development permit from the Town for the location of the proposed premises;

7.2.2.3A security plan and proof of a security alarm contract;

7.2.2.4 Police Information Check(s) for the company or individual applying for or renewing a business license for a Cannabis related use and all employees. Police Information Checks must:

7.2.2.4.1 Be provided by the Town, City or Municipality in which they reside.

7.2.2.4.2 Be completed within three months of the application or renewal date; and

7.2.2.4.3 Be kept up to date throughout the year by providing a Police Information Check to the License Inspector within 1 month of any new hire.

7.2.3 Any additional requirements deemed necessary at the discretion of the License Inspector. Failure to comply is grounds for License or License renewal to be refused, revoked, or suspended. The License Inspector may consult with the Taber Police Service prior to issuance or renewal of a business License for these firms. A License may be refused by the License Inspector based on non-compliance of Section 5.0 or any other verifiable means if it is determined that such refusal is in the interests of Town residents and businesses.

7.2.4 Existing Business Licenses for a non-Cannabis Related Use cannot be renewed or amended for Cannabis Related Uses.

7.2.5 Relevant Federal and/or Provincial approvals/licenses shall be posted in a conspicuous place in the business premises of the applicant Licensee alongside the business License.

7.2.6 Minors under the age of eighteen (18) are prohibited from the premises of all Cannabis Related Uses.

7.2.7 All advertising and signage other than the company name and logo, visible from the outside of the premises is prohibited.

7.2.8 Consumption is prohibited on the premises of all Cannabis Retail Sales and Cannabis Production and Distribution facilities.

7.2.9 Cannabis Retail Sales are allowed to offer online cannabis sales, and home delivery. All requirements for online cannabis sales and home delivery are required to be met, as required by the Provincial and Federal regulations.

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- 7.2.10 All Cannabis Retail Sales in the Town of Taber must carry out business between the hours of 10:00AM and 10:00PM.
- 7.3 Carnival/Circus:
- 7.3.1 No License shall be issued for a carnival or circus unless the Applicant provides proof of liability insurance in the amount of not less than two million dollars (\$2,000,000.00), covering public liability for all personal injury, and property damage which may occur by reason of the operation of the carnival or circus; and
- 7.3.2 The License fees for a carnival or circus shall be in accordance with schedules approved by the Town Council for Special Events. This includes Business Licenses, permits, venue rental fees and any other applicable fees.
- 7.3.3 The License fee for a carnival sponsored or operated by a charitable organisation may be waived at the discretion of the License Inspector. Any decision on a refusal to waive fees for a carnival sponsored by and operated by a charitable organisation may be appealed to Town Council in accordance with Part 6 of this Bylaw.
- 7.3.4 All Carnival and Circus facilities, and equipment, shall be subject to the relevant permits and inspection by the Safety Codes Officer as assigned by the License Inspector or designee. If equipment or facilities are found to be non-compliant with the Safety Codes Act, a Business License may be refused, revoked, or limited to apply only to those areas found to be compliant with the Safety Codes Act.
- 7.4 Food Trucks:
- 7.4.1 The License Inspector shall require all home-based Resident food truck businesses to have a Home Occupation development permit prior to receiving a business license.
- 7.4.2 The Licensee shall follow the Town of Taber Food Truck Guidelines.
- 7.4.3 All Food Truck applicants must provide to the License Inspector proof of:
- 7.4.3.1 Town of Taber Fire Department approval;
- 7.4.3.2 Alberta Health Services approval(s); and,
- 7.4.3.3 Liability insurance.
- 7.4.4 Food Trucks shall not be located where they are a hazard to the public as determined by the Development Officer, Bylaw Officer(s), Law Enforcement Officer(s) or the Director of Planning & Recreation.
- 7.5 Garage Sales:
- 7.5.1 A maximum of three (3) garage sales in each calendar year may be conducted on each private residential property in the Town.

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- 7.5.2 A garage sale shall not be conducted for a period of more than three (3) consecutive days.
- 7.6 General Contractors, Project Managers, and Sub-Contractors:
- 7.6.1 An application for a License to carry on business as a general contractor or project manager in respect of a specific construction or renovation project or projects must provide to the License Inspector a complete and accurate list of all persons or firms that the applicant anticipates using as sub-contractors or material suppliers on the project or projects, including the telephone numbers of such persons or firms.
- 7.7 Fireworks Merchants:
- 7.7.1 Any person who sells or offers for sale, any fireworks shall first be required to obtain a permit as per the requirements of the Alberta Fire Code. Such permit may be obtained from the Town of Taber Fire Department.
- 7.7.2 Upon receipt of a permit, such person must then apply for a Business License specific to the sale of fireworks. A Business License shall not be issued for fireworks sales without the issuance of a permit as per the requirements of the Alberta Fire Code.
- 7.8 Hawkers and Pedlars:
- 7.8.1 The License Inspector shall require any Hawker or Pedlar to obtain a Police Information Check from the Town, City or Municipality in which they reside. A License may be refused by the License Inspector for any Hawker and Pedlar based on the Police Information Check or other verifiable means if it is determined that such refusal is in the interests of Town residents and businesses.
- 7.8.2 A separate License and fee is required for each Hawker or Pedlar regardless of whether that Hawker or Pedlar is an employee of some other person.
- 7.8.3 This section does not apply to charitable organizations, or to the representative of a wholesale vendor distributing articles of merchandise on a wholesale basis to retail merchandise for resale.
- 7.8.4 All Hawkers and Pedlars in the Town of Taber must carry out business between the hours of 9:00AM and 8:00PM on Monday to Saturday, but not at any other time nor on Sundays or Statutory Holidays.
- 7.8.5 The License Inspector may require any Hawker or Pedlar to receive authorization from the local Health Unit prior to issuance of a business License. Without this authorization, the License Inspector may refuse to issue a business License.

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- 7.8.6 The applicant shall satisfy the requirements of Alberta Consumer and Corporate Affairs and their successors prior to receiving a Town Business License.
- 7.9 Home Occupations;
- 7.9.1 No License for a Home Occupation shall be granted until the Applicant has first obtained the necessary development approval (development permit) under the applicable land use regulations of the Town.
- 7.9.2 The dwelling unit, accessory buildings, and the property within which the home occupation is located shall not be used as a work place for non-resident employees of the business unless specific approval is granted as part of the development permit.
- 7.9.3 Any retail sales must be in adherence with the applicable land use regulations of the Town.
- 7.9.4 There shall be no outdoor business activity or storage of goods, materials, or equipment allowed on site unless specific approval is granted as part of the development permit.
- 7.9.5 A change in the name of the Home Occupation shall require a new Business License certificate at no additional cost.
- 7.9.6 A change in the operation or location of the Home Occupation shall require a new business License as per the current Fee Bylaw.
- 7.10 Pawn Shop/Pawnbroker:
- 7.10.1 Every pawnbroker shall have a sign with their name and the word "Pawnbroker" in large, legible characters placed over the door outside the shop or other place used by them for carrying on their business.
- 7.10.2 Every pawnbroker shall at all times keep posted in a conspicuous position on the Pawnbrokers premises so as to be easily seen and ready by the persons pledging goods, a card or sign having printed or painted thereon the rate of profit allowed by the relevant Federal and Provincial legislations at the time, to be taken by Pawnbrokers.
- 7.10.3 In addition to any other requirements, before the issue or renewal of a License for a Pawn Shop, a person must submit the name, date of birth and job title of every person working in the Pawn Shop to the License Inspector.
- 7.10.4 Whenever a Pawnbroker receives goods that are to be held as security for the repayment of money, he shall immediately record or cause to be recorded the following information by Electronic Means satisfactory to the License Inspector and Chief of Police:
- 7.10.4.1 the date and time the goods were received;

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- 7.10.4.2 the full name, gender, date of birth, residential address and telephone number of the person from whom the goods were received;
 - 7.10.4.3 details from at least two (2) pieces of identification provided by the person from whom the goods were received, at least one of which must have a photograph of the person;
 - 7.10.4.4 a complete description of each good including where available, the make, colour, model and serial number of the good, the manufacturer's name and any distinguishing marks;
 - 7.10.4.5 no good shall be accepted that have had any make, model, serial number, manufacturer or any other distinguishing mark altered or obliterated;
 - 7.10.4.6 the amount of money advanced in respect to each good; and,
 - 7.10.4.7 the full name of the person working in the pawnshop that conducted the transaction.
- 7.10.5 The Pawnbroker shall provide the information kept pursuant to Subsection 7.10.4 upon being required to do so by any License Inspector and/or Bylaw Officer.
- 7.10.6 Prior to receiving the information required by Subsection 7.10.4, a Pawnbroker shall obtain from the person from whom the goods were received, written consent in a form satisfactory to the Town of Taber allowing the use of the information in a manner consistent with the purposes of this Bylaw.
- 7.10.7 No Pawnbrokers shall employ a person under the age of sixteen (16) years to take a pawned good from a customer security for the repayment of money lent thereon.
- 7.10.8 A fee may be collected by the Pawnbroker, for the customer, client, the person or persons pawning items, or any other person who conducts business with the Pawnbroker, which will be used to compensate the Pawnbroker for the fees incurred to use the electronic means as required within this Bylaw.
- 7.11 Second-Hand Dealers:
- 7.11.1 Whenever goods are acquired by a Second-Hand Dealer for re-sale, the Second-Hand dealer shall immediately record or cause to be recorded the following information by Electronic Means satisfactory to the Inspector:
 - 7.11.1.1 the date and time the goods are acquired or received;

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- 7.11.1.2 the full name, date of birth, residential address and telephone number of the person from whom the goods were acquired;
 - 7.11.1.3 details from at least two pieces of identification provided by the person from whom the goods were acquired, at least one of which must have a photograph of the person;
 - 7.11.1.4 a complete description of each good including where available, the make, colour, model and serial number of the good, the manufacturers name, and any distinguishing marks;
 - 7.11.1.5 the amount of money paid by the Second-Hand Dealer in respect of each good; and,
 - 7.11.1.6 the full name of the person working in the Second-Hand store that conducted the transaction.
- 7.11.2 No previously owned goods shall be acquired or received by a Second-Hand store for re-sale if the make, model, serial number, manufacturer's name, or any other distinguishing mark has been altered or in any way obliterated.
- 7.11.3 Prior to receiving the information required by Subsection 7.11.1, a Second-Hand Dealer shall obtain from the person from whom the goods were acquired, written consent in a form satisfactory to the Town of Taber allowing the use of the information in a manner consistent with the purposes of this Bylaw.
- 7.11.4 A Second-Hand Dealer shall not acquire goods from an Estate Sale unless the person from whom the goods are to be acquired provides written proof of his authority to dispose of the Estate Sales goods to the Second-Hand Dealer.
- 7.11.5 The Chief of Police may grant written exemptions from any of the requirements in Subsections 7.11.2, 7.11.3 and 7.11.4 to Second-Hand Dealers for specific types of goods, if in the opinion of the Chief of Police, complying with requirements would not serve to protect the public from acquiring stolen property through purchases from Second-Hand Dealers.
- 7.11.6 If an exemption is granted pursuant to Subsection 7.11.5 from the requirements in Subsection 7.11.1, the Second-Hand Dealer shall keep the information referred to in Subsection 7.11.1 that they are still required to record, in a Record Book or electronic record, for at least one year after the goods are acquired.

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- 7.11.7 The Second-Hand Dealer shall provide the information kept pursuant to Subsection 7.11.6 upon being required to do so by any License Inspector and/or Bylaw Enforcement Officer.
- 7.11.8 A Licensee shall not accept goods from:
- 7.11.8.1 a person who is or appears to be under the influence of alcohol or drugs;
 - 7.11.8.2 a person who is under the age of sixteen (16) years;
 - 7.11.8.3 a person who fails to properly identify himself or otherwise refuses to comply with the requirements of this Bylaw;
 - 7.11.8.4 a person who a Licensee knows or has reasonable grounds to believe stole or otherwise illegally acquired the goods; or
 - 7.11.8.5 a person who fails or refuses to supply written consent as required by this Bylaw.
- 7.11.9 A Licensee shall not accept any goods which have had the manufacturer's name or serial number removed, deface, tampered with, or altered in any way unless the Licensee has first obtained prior written approval from any License Inspector and/or Bylaw Enforcement Officer.
- 7.11.10 No Licensee shall alter, repair, dispose of or in any way part with possession of goods acquired in the course of his business until fourteen (14) days have passed from the date of acquisition.
- 7.11.11 Subsection 7.11.10 shall not be deemed to authorize a sale or forfeiture if:
- 7.11.11.1 The parties have agreed upon a longer period for the holding of the goods; or if;
 - 7.11.11.2 The sale or forfeiture would in any other way be contrary to the law.
- 7.11.12 A fee may be collected by the Second-Hand Dealer, from the customer, client, the person, or persons pawning items, or any other person who conducts business with the Pawnbroker, which will be used to compensate the Second-Hand Dealer for the fees incurred to use the electronic means as required within this Bylaw.
- 7.12 Security Firms/ Security Systems and Alarm Installers:
- 7.12.1 The License Inspector shall require any company or individual applying for or renewing a business License for a security firm as well as those installing security systems/alarms within the Town of Taber to obtain a Police Information Check from the Town, City, or Municipality in which they reside. The Police Information Check must have been completed within three months of the application or renewal date. A

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License may be refused by the License Inspector for any cannabis related use based on the Police Information Check or other verifiable means if it is determined that such refusal is in the interests of Town residents and businesses.

7.12.2 The License Inspector shall require any company or individual applying for renewing a business License for a security firm as well as those installing security systems/alarms within the Town of Taber to provide a complete employee list with Police Information Checks for each employee from the Town, City, or Municipality in which they reside. Throughout the year, the License Inspector shall be provided with Police Information Checks for any new employees. This is to be provided to the License Inspector within 1 month of hiring. Failure to comply with the License Inspector's request to furnish such information is grounds for License or License renewal to be refused, revoked, or suspended. The License Inspector may consult with the Taber Police Service prior to issuance or renewal of a business License for these firms.

7.13 Taxi:

7.13.1 Every person operating a taxi or shuttle service which is employed in the conveyance of passengers in, around, and outside the Town of Taber shall obtain a business License.

7.13.2 Requirements to Operate a Taxi/Shuttle Service:

7.13.2.1 Maintain a valid driver's license for each driver (either a Class 1, 2 or 4).

7.13.2.2 Have a valid vehicle registration with a Class 1 Commercial License Plate for each operating vehicle.

7.13.2.3 Carry valid Taxi insurance with a minimum of \$1 Million Passenger Hazard Insurance Policy for each operating vehicle.

7.13.2.4 Have a yearly vehicle inspection complete at the level as prescribed by the Town of Taber, forms available from the Planning Department.

7.13.2.5 Have a Police Information check from the Town, City, or Municipality in which they reside, with a vulnerable sector check for each driver completed within 3 months of the application. The License Inspector has the authority to refuse or deny any application under just and reasonable cause.

7.13.2.6 Have a recent driver's abstract for each driver.

7.13.2.7 All of the above conditions must be met and resubmitted to the satisfaction of the License Inspector, prior to December

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31st yearly, in order to renew the taxi/shuttle service business License.

- 7.14 Realtors:
- 7.14.1 All Real Estate Offices and Brokerages required to maintain a valid business License.
- 7.14.2 Individual Realtors are not required to have their own license but must be covered by a Real Estate or Brokerage license.
- 7.15 Busking:
- 7.15.1 Busking is not allowed without the prior approval of the Chief Administrative Officer. Buskers must submit a Special Event Form at least 5 business days before their requested time.
- 7.15.2 All buskers who wish to use the Corn Fest Stage, Gazebo, or other Town properties, must request to do so on the Special Event Form. These will be booked on a first come, first served basis. Fees for these spaces will be charged at the applicable rate in the Fee Bylaw.
- 7.15.3 Busking may be allowed at Town organised events, at the discretion of the Arts, Culture & Events Coordinator.

8.0 FINES AND PENALTIES

- 8.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of anything required to be done by any of the provision of this Bylaw or who does any act which violates any provisions of this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and liable to the penalties herein imposed.
- 8.2 For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed to be an act or omission of the person if that act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.
- 8.3 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than one (1) year for non-payment of a fine.
- 8.4 A person carrying on or engaged in any business in respect of which a License is required under this Bylaw who fails to furnish all information requested by the License Inspector within ten (10) days from the date on which the request is made, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars (\$50.00) for every day during which the default continues.

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- 8.5 Without restricting the generality of Subsections 8.3 and 8.4, the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
- 8.5.1 \$100.00 for any offence for which a fine is not otherwise established in this section;
 - 8.5.2 \$100.00 for each Resident Business engaged in or operating without a License inside Town limits (plus the required License Fee);
 - 8.5.3 \$500.00 for each Non-Resident Business engaged in or operating without a License inside Town limits (plus the required License Fee);
 - 8.5.4 \$200.00 or two (2) times the required License fee, whichever is greater, for each business that fails to apply for a business License within ten (10) days from the date on which the business is issued written notice that a business License is required (for January, renewals excepted). Such written notice may include, but is not limited to, a Municipal Tag or Violation Ticket;
 - 8.5.5 \$200.00 or two (2) times the required License Fee, whichever is greater, for each business that fails to furnish all information requested by the License Inspector within ten (10) days from the date on which the request is made. For the purposes of this subsection, the License Inspector shall not request more information than that required on the application form;
 - 8.5.6 \$1,000.00 for each business engaged or operating without a License inside Town limits after a business License application is refused or a business License is revoked;
 - 8.5.7 \$1,000.00 for an offence under Part 7 and 8.
- 8.6 If a person is guilty of a subsequent offence, the fine amounts established in this Section are doubled.
- 8.7 In addition to any fine imposed for an offence, a court may impose a penalty in the amount of the License fee for each business being engaged in or operating without a License.
- 8.8 If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this Bylaw for the offence.
- 8.9 A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted any further for the offence.

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- 8.10 In accordance with the fines and penalties established in this Bylaw, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
- 8.10.1 specify the fine amount established by this Bylaw for the offence; or
- 8.10.2 require a person to appear in court without the alternative of making a voluntary payment.
- 8.11 A person who commits an offence may;
- 8.11.1 if a Violation Ticket is issued in respect of the offence; and
- 8.11.2 if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- 8.12 Where, in any prosecution or proceeding under this Bylaw providing or the licensing of any business or industry, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against, carried on, or engaged in such business or industry without having first obtained a License to do so, part of one transaction in such business or industry is sufficient to establish that the person proceeded against, carried on, or engaged in such business or industry.
- 8.13 Where any Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw they may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedures Act* R.S.A. 2000 P-34.

9.0 INTENTION OF TOWN COUNCIL

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

10.0 RESCINDED OR AMENDED BYLAWS

Bylaw No. 8-2022 is hereby repealed in its entirety.

11.0 EFFECTIVE DATE

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 363/2022 Read a first time this 14th day of November, 2022.

RES. 376/2022 Read a second time this 28th day of November, 2022.

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RES. 377/2022

Read a third time and finally passed this 28th day of
November, 2022.

TOWN OF TABER



MAYOR



CHIEF ADMINISTRATIVE OFFICER (C.A.O.)